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File Number 03681-00001



September 20, 2007

**Via Facsimile**

Hon. Loretta A. Preska  
United States District Judge  
Southern District of New York  
United States Court House  
500 Pearl Street, Room 1320  
New York, NY 10007

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Re: *American Home Mortgage Investment Corp. v. American Home Bank, N.A.*,  
Civil Action 07 Civ 4077 (LAP)

Dear Judge Preska:

This letter addresses the status conference scheduled before your Honor on Monday September 24, 2007 in this case. I am the new counsel for the Plaintiff.

As your Honor may recall, the plaintiff in this case is currently in bankruptcy before the federal bankruptcy court in Delaware, and thus its case against the defendant is subject to an automatic stay. The Defendant has filed a counterclaim against a subsidiary of the plaintiff, which action also may be subject to the automatic stay.

Counsel of record for the plaintiff will be filing a motion to withdraw as counsel this week, which withdrawal has been approved by the plaintiff and counterclaim defendant. I am and have for years been the plaintiff's outside intellectual property counsel, and have been authorized by the plaintiff and counterclaim defendant, as well as the bankruptcy court to substitute in to represent these parties in this action, to the extent this action is not entirely subject to the automatic stay and/or is subject to dismissal because the plaintiff is an indispensable party to the counterclaim.

With that background, I am respectfully requesting on behalf of the plaintiff and counterclaim defendant that the conference on September 24<sup>th</sup> be adjourned for two weeks so that we may determine whether the counterclaim is or is not subject to the automatic stay and or subject to dismissal under FRCP 19, and so that the parties have an opportunity to explore a possible settlement of this action.

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If your Honor would prefer to hold the conference on Monday, I respectfully request that I be permitted to appear by telephone. Although I am admitted to practice in New York and before this Court, I reside in Los Angeles, and an in-person appearance would require me to incur expense that may not be reimbursable. Defendant/Counterclaim Plaintiff's counsel, James Hough, has consented to my appearance by telephone.

Thank-you very much for your consideration of the foregoing.

Respectfully submitted,



Steven M. Weinberg

SMW/jd

cc: James E. Hough, Esq. (by facsimile)  
Yoav M. Griver, Esq. (by facsimile)

*The September 24 conference is adjourned  
sine die.*

*Counsel shall confer and inform the  
Court by letter no later than October 19  
as to the status of the action.*

SO ORDERED



L. A. PRESKA

DEPUTY JUDGE

*September 20, 2007*